

INDIANA PHYSICAL THERAPY COMMITTEE

May 16, 2012

MINUTES

- I. Mrs. Mary Bennett, P.T. called the meeting to order at 10:05 a.m. in Conference Center Room 2 of the Indiana Government Center South, 302 W. Washington Street, Indianapolis, IN 46204. A quorum was established.

Members Present:

Mary Bennett, P.T., Chair
Megan Certo, P.T., Member
Maria Fletcher, M.D., Member
Deborah Reed, P.T, Member

Members Absent:

None

State Officials Present:

Tasha Coleman, Board Director, Indiana Professional Licensing Agency
Andre Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, Board Advisory Council, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Certo/Fletcher
4/0/0 Motion carried

III. ADOPTION OF THE MINUTES FROM THE FEBRUARY 15, 2012 MEETING OF THE COMMITTEE

A motion was made and seconded to adopt the Minutes from the February 15, 2012 meeting, as amended.

Fletcher/Certo
3/0/1 (Reed abstained) Motion carried

IV. PROBATIONARY PERSONAL APPEARANCES

A. Sherri Jo Groce did personally appear before the Committee as per the terms of her probationary order. The Committee received her personal statement where she reported that she is on step 6 of the 12 step program. She is in compliance with her order in that she has been turning in all of her paperwork in a timely manner.

V. PERSONAL APPEARANCES

A. Todd Ellis did personally appear before the Committee to answer questions regarding his positive response application for certification as a PTA. At this time he is being treated for drug

dependency. After hearing his testimony a motion was made and seconded to approve him to sit for the exam and issue his temporary permit and certification without restrictions. The Committee has requested that he submit a personal statement and request a letter be sent to them from his physician informing them of his status by the end of October and one year from this date.

Certo/Fletcher
4/0/0 Motion carried

- B. Amanda Gruss** did personally appear before the Committee to answer questions regarding her positive response application for certification as a PTA. She has had multiple alcohol related offenses with the last one being in 2007. After hearing her testimony a motion was made and seconded to approve her to sit for the exam and issue the certification without restrictions.

Certo/Reed
4/0/0 Motion carried

- C. Kim Goyena** did personally appear before the Committee to answer questions regarding his positive response renewal. On his renewal application Mr. Goyena reported that he had been terminated for supposedly falsifying his timecard. After hearing testimony a motion was made and seconded to renew the license unencumbered.

Reed/Fletcher
4/0/0 Motion carried

- D. Krysia Arkenau** did personally appear before the Committee to answer questions regarding her positive response renewal. On her renewal she reported that she had been terminated for allegedly violating several rules, and documentation errors in regards to billing, submission of paperwork, and patient eligibility. After hearing testimony and reviewing additional documents and letters from her previous employers as well as CE she has completed a motion was made and seconded to renew her license unencumbered.

Certo/Reed
4/0/0 Motion carried

VI. ADMINSTRATIVE HEARINGS

- A. In the matter of the certification of Matthew Hard, Certificate Number: 06003186A**
Administrative Cause Number: 2009 PTC 0003
Re: Termination of Probation

Parties and Counsel Present:
Darren Covington, DAG

Witnesses:
Matthew Hard, PTA
Julie Malkowski

Participating Committee Members:
Mary Bennett, P.T.
Megan Certo, P.T.
Maria Fletcher, M.D.

Debbie Reed, P.T.

Court Reporter:
Sherri Rutledge

Case Summary: The Committee placed the Respondent's certification on probation in December 2009 because he had become impaired due to his abuse of alcohol and was found to be intoxicated at work.

Resolution: After hearing testimony and reviewing the information submitted to justify the Respondent's request to terminate his probationary order; a motion was made and seconded to terminate probation and issue his license unencumbered.

Certo/Reed
4/0/0 Motion carried

- B. In the matter of the license of Harichandra Vennelakanti, License Number: 05010246A**
Administrative Cause Number: 2012 PTC 0002
Re: Complaint
Continued

- C. In the matter of the license of Bhaumik J. Patel, License Number: 05010187A**
Administrative Cause Number: 2012 PTC 0003
Re: Complaint

Resolution: A motion was made and seconded to accept the settlement agreement as written which shall include a letter of reprimand and a \$1,000.00 fine due within 30 days of the final order.

Certo/Reed
4/0/0 Motion carried

- D. In the matter of the license of Syed Aijaz Aziz, License Number: 05004264A**
Administrative Cause Number: 2012 PTC 0004
Re: Complaint

Parties and Counsel Present:
Darren Covington, DAG

Resolution: A motion was made and seconded to issue a Notice of Proposed Default.

Certo/Reed
4/0/0

Immediately following the meeting the Committee received a written request from the respondent to continue his hearing until after December 2012 at which point he should be released from federal prison. At the approval of Ms. Bennett (chair) and DAG Covington the aforementioned Notice of Proposed Default has been withdrawn and an order to continue the May 16, 2012 hearing was issued.

- E. In the matter of the certification of Ruth Ann Cenova-Wotring, Certification Number: 06002950A**
Administrative Cause Number: 2012 PTC 0006
Re: Complaint

Resolution: A motion was made and seconded to accept the proposed settlement agreement, as written; which shall include indefinite probation. Probationary terms include working under the direct onsite supervision of a licensed physical therapist at all times, quarterly employer and personal reports, and completion of CE in documentation and ethics to be completed within 90 days of the order.

Certo/Fletcher
4/0/0 Motion carried

- F. In the matter of the license of Randy Gomez, License Number: 05005020A**
Administrative Cause Number: 2012 PTC 0007
Re: Settlement Agreement

Resolution: A motion was made and seconded to accept the settlement agreement as written which shall include a letter of reprimand and a \$250.00 for being disciplined in another state. The fine is due within 30 days of the date of the final order.

Certo/Reed
4/0/0 Motion carried

- G. In the matter of the license of Kelly Jo Evert, Certification Number: 06002151A**
Administrative Cause Number: 2011 PTC 0004
Re: Complaint

Resolution: A motion was made and seconded to issue a Notice of Proposed Default.

Certo/Fletcher
4/0/0

- H. In the matter of the license of Maria Cecelia Dominguez Dava, License Number: 05007718A**
Administrative Cause Number: 2012 PTC 0008
Re: Complaint

Parties and Counsel Present:
Darren Covington, DAG

Witnesses:
Maria Cecelia Dominguez Dava, PT
Jodi Snyder

Participating Committee Members:
Mary Bennett, P.T.
Megan Certo, P.T.
Maria Fletcher, M.D.
Debbie Reed, P.T.

Court Reporter:
Sherri Rutledge

Case Summary: The Committee received a complaint against the respondent in April 2012 which alleged that the respondent had engaged in fraud or material deception in the course of providing professional services or activities because she billed for patient care that she did not provide.

Resolution: After hearing testimony and reviewing the information submitted a motion was made and seconded to dismiss the case based on the state's failure to prove that there was enough evidence that she had violated statute or the practice act.

Reed/Fletcher
4/0/0 Motion carried

VII. APPLICATION REVIEW

- A. Ruth Ann Cenova-Wotring**
Re: Positive Response Renewal

Resolution: Renew on probation based on the aforementioned hearing.

- B. Maria Cecelia Dominguez Dava**
Re: Positive Response Renewal

Resolution: Renew unencumbered based on the aforementioned hearing.

- C. Harichandra Vennelakanti**
Re: Positive Response Renewal

Resolution: Make valid to practice while being reviewed, based on the Committee's approval to continue the hearing until August 2012.

VIII. DISCUSSION

A. Probation Report by Megan Certo:

- a. Ronald Cole: is in noncompliant in that he has not submitted his employer report and any additional information that the Kentucky Board has given him. IPLA staff will send a letter requesting this information.
- b. Sharon Rohrman: IPLA will send a letter reminding her that she had six months to pay the fine and to get approval for the CE course.
- c. Larry Hall: reviews from supervisors ok, however he is still having trouble with documentation. IPLA will send a letter requesting that he personally appear at the next meeting to discuss his issues. He should be reminded that the letters must be received monthly, be dated and on his employer's letterhead.
- d. All other probationers are in compliance.

- B. Continuing Competency Rule:** Tasha Coleman gave the Committee an update on the CC rule. Currently we have submitted everything to SBA and are waiting on their review. The public hearing meeting before the MLB is tentatively scheduled for August 2012.

C. ROEC: Tasha Coleman and Mary Bennett gave the Committee an update from the April 2012 ROEC meeting. The Committee made four initial recommendations:

- a. To become their own Board: ROEC will again meet On May 23, 2012 to hear testimony from the MLB, INAPTA, Ted Kennedy and Dr. Maria Fletcher and review letters submitted from the four Indiana PT schools regarding this matter.
- b. To have a consumer member appointed: ROEC advised the Committee to submit names to the governor's office to fill this position.
- c. To limit the exam attempts to six: ROEC advised the Committee to make a rule change to limit exam attempts. The Committee wants to point out ROEC that they do not have statutory authority to do so. This will require a statute change.
- d. To get direct access: The Committee has requested to withdraw this recommendation as they want to separate direct access from the need of their own board.

D. Exam attempts: Because of the statute ROEC's advice to do a rule change to limit the exam attempts is not possible. The Committee will request that ROEC make the recommendation to update the statute to limit the exam attempts.

E. Delegate(s) for the FSBPT annual meeting: Mary will be delegate and Megan will be the alternate delegate for the FSMTB meeting.

F. Retro tool: FCCPT stated that the retro tool is only designed to be used for people applying by endorsement. If applicants are applying for immigration they should be showing that they have met the educational requirements for a current graduate.

IX. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Physical Therapy Committee adjourned at 3:15 p.m.


Mary Bennett, PT